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JUDICIAL REQUEST ON CIVIL MATTERS

(4g 7 Association of Procurators Litis. Received: 16 May 2016. Notified Procurator Litis 17 May 2016]

Applicable Convention: THE HAGUE CONVENTION ON THE TAKING OF EVIDENCE ABROAD, of 18 MARCH 1970

Reference no.: 348/2013

2. REQUESTED AUTHORITY

1. REQUESTING JURISDICTIONAL BODY

1.1. Name: Court of First Instance and Trial Court no. 2

1.2. Address: La Orotava

1.2.1. Number/floor + street: Calle Inocencio Garcia, no. 11, 1st floor

1.2.2. Postal code + place: 38300 La Orotava, Tenerife, Canary Islands

SPAIN

1.3. Tel. (*): 822 171 404/405

1.4. Fax (*): 822 171 477

1.5. (E-mail: mgalcer@justiciaencanarias.org

2.1. Name: United States Department of Justice Civil Division.

2.2. Address: International Judicial Assistance Office

2.2.1. Number/floor + street: U.S. Central Authority, Benjamin Franklin Station. P.O. Box 14360

2.2.2. Postal code + place: Washington DC, 2004

2.2.3. Country: United States of America

2.3. Tel. (*):

2.4. Fax (*):

2.5. (E-mail: *

3. PLAINTIFF 3.1. Name: Ms. Maria del Mar Medina Montanez, with National ID Document (D.

N.I.) 43.803.160-M, acting as receiver of the inheritance of Mr. Porfirio Mora Ayala with D.N.I. 42,

930.943-V (deceased). 3.2. Address:

3.2.1. Number/floor + street: C/Elcano, no. 44, Residencial Atkintico, duplex 17

3.2.2. Postal code + place: 38109, El Rosario, Tenerife

3.2.3. Country: Spain

3.3. Tel.:

3.4. Fax (*):

3.5. (E-mail: *

4. REPRESENTATIVES OF PLAINTIFF

4.1 Name: Ms. Julia Susana Trujillo Siverio, with professional number P38038000138

4.2. Address:

4.2.1. Number/floor + street: C/Blanco, no. 1, 4º-izda.

4.2.2. Postal code + place: 38400, Puerto de la Cruz, Tenerife

4.2.3. Country: Spain

4.3. Tel. (*):

4.4. Fax (*):

4.5. (E-mail: *

4.6. (E-mail: *

5. DEFENDANT

5.1. Name: Mr. David Mora Fumero, with D.N.I. 42.052.061-B

5.2. Address:

5.2.1. Number/floor + street: C/Chayofe, no. 4

5.2.2. Postal code + place: 38650, Los Cristianos, Arona

5.2.3. Country: Spain

5.3. Tel. (*):

5.4. Fax (*): 5.

5. (E-mail: *

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ITALIA
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6 L Identification number/social security number/company number/or equivalent: 42.052.061-B

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0 CAT e: Ms. Maria del Pilar de la Fuente Arencibia, with professional number P38038000116

/ dress:

-S4Auf01, 2.1. Number/floor + street: C/Perdomo, no. 1, 1'
6.2.2. Postal code + place: 38400, Puerto de la Cruz, Tenerife
6.2.3. Country: Spain

6.3. Tel. (*):

6.4. Fax (*):

6.5. (*):E-mail:

7. PRESENCE AND PARTICIPATION OF THE PARTIES

7.1 The parties and, where appropriate, their representatives shall be present during the proceedings (*):

No

7.2 The participation of the parties and, where appropriate, their representatives is requested (*): No

8. PRESENCE AND PARTICIPATION OF THE ATTORNEYS OF THE REQUESTING JURISDICTIONAL BODY.

8.1 The attorneys will be present during the proceedings (*): No

8.2 The participation of the attorneys is requested (*): No

8.2.1 Name:

8.2.3 Position:

8.2.4 Function:

8.2.5 Task:

9. TYPE AND PURPOSE OF THE PROCEEDINGS AND BRIEF EXPLANATION OF THE FACTS (IF APPROPRIATE, IN THE FORM OF AN ANNEX).

Ordinary proceedings on request to render accounts to the guardian, with claim to render accounts and pay the balances for the guardianship exercised by guardian Mr. DAVID MORA FUMERO until the death of his ward Mr. PORFIRIO MORA AYALA.

The defence pleads the plaintiffs lack of standing to sue, illegality of the action to demand the rendering of accounts, inadequacy of the proceedings, non-determination of the positive balances claimed and nonexistence of reimbursements made by the guardian at 24/06/2003 and 25/06/2003.

10. PROCEEDINGS FOR OBTAINING EVIDENCE WHICH SHOULD BE TAKEN 10.1

Description of the proceedings to take evidence: Information about the bank accounts open in the name of Mr. PORFIRIO MORA AYALA, with D.N.I. 42.930.943-V, born in San Sebastian de la Gomera, at 26/03/1916, with address at C/Cruz de los Martillos, no. 70, La Orotava (deceased). Information about bank orders made by the receiver Mr. DAVID MORA FUMERO, with D.N.I. 42.052.061-B.

10.2 Examination of witnesses:

10.2.1 First name and surnames: Citibank NA New York (Through Ms. Felicia Sementini or another responsible person authorised by the bank)

10.2.2 Address: 153E, 53rd Street, 16th floor, New York, N.Y. 10022; U.S.A.

10.2.3 Telephone (*):

10.2.4 Fax (*):

10.2.5 (*):E-mail:

10.2.6 Questions to be submitted to the witness or statement of the facts with regard to which the examination will be made: 1) Whether there are orders to transfer funds authorised by the guardian Mr. DAVID MORA FUMERO, in the month of June 2003, indicating, where appropriate, the amount and their beneficiary. 2) Whether there was a contract of mandate and/or management of investment portfolios regarding the funds deposited at the bank, formalised by Mr. PORFIRIO MORA AYALA, indicating the operations for which the bank institution was authorised by reason of that contract of mandate. 3) The justification and details with information of source and destination of the funds of all the bank operations carried out during the 24th and 25th June 2003.

10.2.7 Right to refuse to testify in accordance with the laws of the Member State of the requesting jurisdictional body.

10.2.8 Request to examine the witness:

10.2.8.1 Under oath:

10.2.8.2 In the form of a statement: (Certificate may be provided issued by the persons legally responsible and/or authorised by Citibank)

10.2.9. Any other information which the requesting jurisdictional body deems necessary:

10.3 Taking of evidence of another nature

10.3.1 Document which should be inspected and a description of the requested taking of evidence: Investment account 55E301602000 of Citibank; Current account 10331348 at Citibank; Any other account or deposit opened in the name of Mr. PORFIRIO MORA AYALA at Citibank.

Court of the First Instance and Instruction
No. 2
C/ inocencio Garcia, no.I I
La Orotava
Telephone: 822 17 14 04/05
Fax: 822 17 14 77

Section: TOM
Proceedings: Ordinary proceedings
Proceedings no.: 0000348/2013
Source proc: Ordinary proceedings
Source proc. no.: 0000481/2012-00
NIG: 3802631120080001698
Matter. Unspecified

Intervention.
Defendant
Defendant
Originator

InicEgner,
Maria del Mar Medina
Montalvez
David Mora Fumero
Porfirio Mora Alaya

Humberto Negrin Mora
David Mora Fumero

Court reorty,entative,
Julia Susana Trujillo
Siverio
Maria Del Pilar De La
Fume Arencibia

Pursuant to that agreed by resolution dated in the referenced proceedings, request certification in relation to the accounts open in the name of MR POIXPIRIO MORA ALAVA, with National ID (DNI) 42.930.943-V, supervised by MR DAVID MORA FUMERO, with DNI 42.052.61-B lobe USA of the following;

- 1.- If there are any orders for the transfer of funds authorized by the legal supervisor MR DAVID MORA FUMERO during the month of June 2003 stating, where applicable the amount and beneficiary of the same.
- 2.- If there was a contract of mandate and/or management of investment portfolios for funds deposited in the bank and formalized by MR PORFIRIO MORA AYALA, indicating the operations that the bank was entitled to perform under said management contract and/or mandate.
- 3.- Evidence and details with source and destination information for the funds regarding all bank transactions made on the 24th and 25th June 2003.

In La Orotava, on 9th May 2014.

THE JUDGE

CITIGROUP PRIVATE BANK. C/ JOSE ORTEGA Y GASSET, No. 29, 3^o
PLANTA. C.P. [postcode] 28006. MADRID

Don Juan Amor Fernandez, Traductor/Interprete Jurado de Ingles, certifica que In que antecede es traducido en fiel y complete al ingls de un documento redacted en español.

I the undersigned Juan Amor Fernandez, sworn translator for the English Language do hereby certify that the foregoing is a true and faithful version of the original Spanish document hereunto attached.

Nº 1484 (Murcia) Spain, 20th October 2014

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10.3.2 Objects which should be inspected and a description of the requested taking of evidence.

10.4 You are requested to execute the requested proceedings

10.4.1 In accordance with the following special proceedings: No

10.4.2 In the manner foreseen in the laws of the requested State: YES

11. DATE OR TERM FOR PERFORMING THE EVIDENCE PROCEEDINGS

Done at : La

Orotava

Date: 29 March 2016

Signature and/or stamp :

(Illegible signature)

Ink stamp: Court of First Instance and Trial Court no. 2 - La Orotava - Tenerife

Don Juan Amor Fernandez, Traductor e interprete Jurado de Ingles, nombrado por el Ministerio de Asuntos Exteriores y de Cooperación, certifica que la que antecede es traducción fiel y completa al ingles de un documento redactado en español.

I the undersigned Juan Amor Fernandez, sworn translator for the English Language, duly appointed by the Ministry for Foreign Affairs and Cooperation, do hereby certify that the foregoing is a true and faithful translation of the original Spanish document hereunto attached.

Aguilas (Murcia) Spain, 2^a May 2016

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October 24, 2016

United States Attorney's Office
Attn: Dhalia E. Joshua
271-A Cadman Plaza East
Brooklyn, NY 11201

RE: Maria del Mar Medina Montanez v. David Mora Fumero
Citibank File No: LSI-10182016-4107754
Ref# 348/2013

Dear Sir/Madam,

We have received your subpoena requesting bank records. Based on the information you provided an account has been located. However, Citibank N.A. no longer has any documents available to produce for years 2003. Please note Investment accounts are not accessible through Citibank N.A., therefore, you may wish to contact:

Morgan Stanley Wealth Management
Attn: Custodian of Records, Subpoena Dept.
485 Lexington Avenue 14th Floor
New York, New York 10017

as well as

Citi Personal Wealth Management
c/o Legal Service Intake Unit
701 E. 60th St., N. Mail Code 1251
Sioux Falls, SD 57117
Fax 347-809-6937

Should you have any questions regarding this matter please feel free to contact me at (210) 357-8600.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Leal".

Melissa Leal
Litigation Support Unit
100 Citibank Dr., Bldg. 1, Flr.2
San Antonio, TX 78245
Fax: (210) 468-0252
Melissa.Leal@Citi.com

